

Name: GUY M DOMAI
Address: 14 W INGLENN DR #201
MIDVALE UT 84047
Telephone: 801-255-8777

FILED
U.S. DISTRICT COURT
2009 MAR -5 P 4:39
DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - Central DIVISION

Guy Domai

Plaintiff,

v.

USANA HEALTH SCIENCES
3838 W PARKWAY BLVD
SALT LAKE CITY UT 84120

Defendant(s).

COMPLAINT

Case: 2:09cv00204
Assigned To : Alba, Samuel
Assign. Date : 3/5/2009
Description: Domai v. Usana Health
Sciences

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e(5). Equitable and other relief are also sought under 42 U.S.C. § 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. 1331, 1343 and 42 U.S.C. §§ 1981 et seq. Where employment discrimination based upon age is alleged, jurisdiction is conferred by 29 U.S.C. § 627(C) (d) and appropriate relief is also sought.

B. PARTIES

1. Name of plaintiff:
Present mailing address:

GUY M. DOMAI
14 W INGLENN DR #201

MIDVALE UT 84047

2. Name of first defendant:
Present mailing address or
business location:

USANA HEALTH SCIENCES.

3838 W PARKWAY BLVD.
SALT LAKE CITY UT 84120

3. Name of second defendant:
Present mailing address or
business location:

4. Name of third defendant:
Present mailing address or
business location:

(Use additional sheets if necessary.)

C. NATURE OF CASE

1. The address at which I sought employment or was employed by the defendant(s) is:

USANA HEALTH SCIENCES
3838 W PARKWAY BLVD
SALT LAKE CITY UT 84120

2. The discriminatory acts occurred on or about:

JANUARY 3rd 2008

(Month, Day, Year)

3. I filed charges with the Anti Discrimination Division of the Utah State Industrial
Commission regarding the defendant's discriminatory conduct on or about:

(Month, Day, Year)

4. I filed charges with the Equal Employment Opportunity Commission regarding the defendant's discriminatory conduct on or about:

JULY 2008
(Month, Day, Year)

5. The Equal Employment Opportunity Commission sent the attached "Notice of Right to Sue" which I received on:

DEC 08/2008
(Month, Day, Year)

(Please attach the "Notice of Right to Sue" to this complaint.)

6. The discriminatory acts which are the basis of this suit are:

- a. _____ Failure to employ me
b. X Termination of my employment
c. _____ Failure to promote me
d. _____ Other acts (Be specific: attach an additional sheet if necessary)

7. Defendant's conduct is discriminatory with respect to:

- | | | | |
|-------------|----------|----------|--------------------|
| a. <u>X</u> | my race | d. _____ | my religion |
| b. _____ | my color | e. _____ | my national origin |
| c. _____ | my sex | f. _____ | my age |

8. I believe that the defendant is still committing these acts against me.

_____ yes _____ no

D. CAUSE OF ACTION

1. I allege that the defendant has discriminated against me and that the following facts for the basis for my allegations:

a. (1) Count I: RACE DISCRIMINATION

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly, in your own words without citing any legal authority. Use additional sheets if necessary.)

*Tisana Health claims that I was withholding
check account receivables to gain personal ventures.
Not only these allegations were untrue but there were
other employees doing the same thing and they were not discharged
those employees were white.*

b. (1) Count II: RETALIATION

- (2) Supporting Facts:

*In the month of November 2007, I complained to
my supervisor boss regarding my supervisor's
discriminatory behavior. About 5 weeks later
I was discharged without even getting any
warnings or going through a disciplinary process
with the company like it should be.*

E. INJURY

1. How have you been injured by the actions of the defendant(s)?

Emotional distress.

F. REQUEST FOR RELIEF

2. I believe I am entitled to the following relief:

\$ 300,000.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action,

that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. § 1621

Executed at Salt Lake City on March 5th, 2009.
(Location)

Guy M. Dornai [Signature]
Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Guy M. Domai**
14 W Inglenook Drive #201
Midvale, UT 84047

From: **Phoenix District Office**
3300 North Central Ave
Suite 690
Phoenix, AZ 85012



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

35C-2008-00480

Berta E. Echeveste,
Supervisory Investigator

(602) 640-5034

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Chester V. Bailey
Chester V. Bailey,
District Director

DEC 08 2008

(Date Mailed)

Enclosures(s)

cc: **USANA HEALTH SCIENCES INC – Michael King**